THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12783 OF 1999

Dated 8th August 2007

Between:

K.Sukumari W/o.D.V.Ramana Reddy

…Petitioner

and

The Deputy Executive Engineer,
Rural Water Supplies, Vayalpadu,
Chittoor District & others.

…Respondents

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O R D E R:

The petitioner states that she was allotted an extent of 0-03 cents of land in Survey No.375 of Kalikiri village and Mandal, Chittoor District, as house site. It is alleged that even before the petitioner could make any construction on it, the officials of the Rural Water Supplies Scheme, have visited the site and have taken steps, to construct a overhead tank upon about 0-02 cents of land assigned to her. The petitioner challenges the same.

Learned counsel for the petitioner submits that as long as the patta in favour of the petitioner is intact, the respondents cannot interfere with the possession thereof.

Learned Government Pleader for Revenue, on instructions, submits that the land in Survey No.375 is about Acs.13-00, and it has

been put to different uses, such as construction of buildings for various departments of Government. Doubt is expressed as to the genuinety of the patta granted to the petitioner.

The petitioner was allotted an extent of 0-03 cents of land in Survey No.375, on 28.10.1995. Though the respondents expressed some doubt, as to the genuinety of the patta certificate, from the record it is evident that the patta in favour of the petitioner was entered into Patta Register, maintained by the Office of the Mandal Revenue Officer. The mere fact that the sub-division of the survey number was not mentioned, cannot make any difference. When there is vast extent of land available in the very survey number, there is no justification for attempting to dispossess the petitioner. The other contention urged on behalf of the respondents is that the petitioner did not undertake construction on the site, within the stipulated time. Learned counsel for the petitioner submits that a hut exists over it. Be that as it may, by virtue of the interim order granted by this court, way back on 01.7.1999, the respondents were prevented from dispossessing the petitioner.

Therefore, the writ petition is allowed, directing the respondents, not to interfere with the possession of the petitioner over the site in question, except by initiating proceedings, in accordance with law. There shall be no order as to costs.

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8th August 2007

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